

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAMONT DIXON,

Plaintiff,

No. 07-CV-14799-DT

vs.

Hon. Gerald E. Rosen

THOMAS BURGE,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on May 29, 2009

PRESENT: Honorable Gerald E. Rosen  
Chief Judge, United States District Court

This matter having come before the Court on the May 7, 2009 Report and Recommendation of United States Magistrate Mona K. Majzoub recommending that the Court grant Defendant's Motion to Dismiss, and dismiss Plaintiff's Complaint in its entirety for failure to exhaust administrative remedies; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Defendant's Motion should be granted and this case should, accordingly, be dismissed in its entirety, as recommended by the Magistrate Judge; and the Court being otherwise fully

advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of May 7, 2009 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion to Dismiss [**Dkt. # 32**] be, and hereby is, GRANTED. Plaintiff's Complaint is, accordingly, DISMISSED, without prejudice, for failure to exhaust administrative remedies.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: May 29, 2009

#### **CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Thomas A. Ginster, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Lamont Dixon, #221954, Macomb Correctional Facility, 34625 26 Mile Road, New Haven, MI 48048

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(313) 234-5137